



Attorney Docket No.: 601-017c1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of
Zohoungbogbo et al.

Examiner: Hui

Serial No: 09/982,554 Art unit: 1617

Filed: October 18, 2001

For: DIETETIC FOOD COMPOSITION

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REPLY TO NOTICE

Mail Stop Appeal -PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

A Notice of Non-Responsive Amendment dated June 4, 2009 was mailed in response to a Request for Rehearing dated May 11, 2009 requesting a Re-hearing to the Decision on Appeal dated February 11, 2009.

In the May 11, 2009 Request for Re-hearing, there were no amendments to the claims. The Request includes only remarks in reply to the Decision on Appeal. However, the Request also included an Exhibit which is a copy of an early Amendment from the file history. This copy of the earlier Amendment is only an Exhibit, and was not intended to be entered as a current Amendment.

Appellant has contacted the Examiner telephonically and clarified the issue. Appellant requests that the Request for Rehearing of May 11, 2009 be re-entered for

Application No. 09/982,554
Request for Rehearing May 11, 2009
Reply to Decision on Appeal - February 12, 2009

submission to the Board of Appeals with the exhibit Amendment properly entered as an exhibit only.

Respectfully submitted

SOFER & HAROUN, LLP

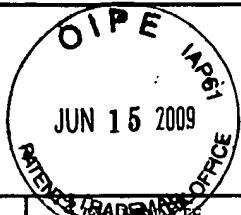
By:


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Dated: 6-9-09



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APPLICATION NO.	RECEIVED / TRADEMARK DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,554	10/18/2001	Mathias C. Zohoungbogo	601-17c1	8007
39600	7590	06/04/2009	EXAMINER	
SOFER & HAROUN LLP. 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			HUI, SAN MING R	
		ART UNIT		PAPER NUMBER
		1617		
		MAIL DATE		DELIVERY MODE
		06/04/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

(57) 272 0626

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APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09982554	10/18/01	ZOHOUNBOGOBO, MATHIAS C.	601-17c1

EXAMINER

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK, NY 10017

San-ming Hui

ART UNIT	PAPER
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1617 20090528

DATE MAILED:

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Commissioner for Patents

Applicant's amendments filed May 11, 2009 amends the claims that are already cancelled. The pending claims are 45-56. Accordingly, the amendments are considered non-responsive. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/San-ming Hui/
Primary Examiner, Art Unit 1617